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Violence against women migrant workers

Report of the Secretary-General

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I. Introduction

1. In its resolution 52/97 of 12 December 1997, on violence against women migrant workers, the General Assembly recalled all of the previous resolutions on violence against women migrant workers that had been adopted by it, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women, and reaffirmed the outcome of recent world conferences, particularly with respect to women migrant workers. It acknowledged the results of the Expert Group Meeting on Violence against Women Migrant Workers, held in Manila in May 1996 and the comments thereon by Member States and relevant international organizations.

2. Several recommendations for action directed at concerned Governments and Member States were made by the General Assembly in resolution 52/97. Concerned Governments, particularly those of sending and receiving countries, were encouraged to develop, as appropriate, systematic data collection methods, to update and share information on violence against women workers, and to strengthen their national efforts to protect and promote the rights and welfare of women migrant workers, including through sustained bilateral, regional, interregional and international cooperation, by developing strategies and joint action and taking into account the innovative approaches and experiences of individual Member States. They were urged to support and allocate appropriate resources for programmes aimed at strengthening preventive action, in particular information for relevant target groups, education and campaigns to increase public awareness of the issue at national and grassroots levels, in cooperation with non-governmental organizations. They were encouraged to support training programmes for public officials, in particular law enforcers, to assist women migrant workers who are victims of violence and in the reporting of such cases and the prosecution of the perpetrators, to provide adequate consular, counselling, legal and welfare services. They were also asked to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers. Member States were also encouraged to sign, ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990,[1] as well as the Slavery Convention of 1926.[2]

3. The resolution also requested all relevant United Nations human rights treaty bodies, particularly the Committee on the Elimination of Discrimination against Women, relevant thematic and country rapporteurs, particularly the Special Rapporteur on violence against women, the Subcommission on Prevention of Discrimination and Protection of Minorities,[3] and its working groups, within their mandates to address the problem of violence against women migrant workers. The Commission on the Status of Women was invited to address the issue at its forty-second session under the thematic issues on violence against women and/or human rights of women, and the Economic and Social Council and the Commission on Human Rights were also invited to address the protection and promotion of the rights and welfare of women migrant workers in connection with the five-year review of the Vienna Declaration and Programme of Action[4] and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights.[5]

4. In resolution 52/97 the Secretary-General was requested to submit to the General Assembly at its fifty-fourth session a comprehensive report on the problem of violence against women migrant workers, taking into account the views of Member States[6] and based on the expertise and all the available information from various organizations of the United Nations system,[7] and in particular, the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), the International Research and Training Institute for the Advancement of Women (INSTRAW) and the International Organization for Migration (IOM)[8] and other relevant sources, including non-governmental organizations, and on implementation of the resolution. This report is submitted in accordance with that request.

II. Background

5. Since the adoption of resolution 52/97 and since earlier reports of the Secretary-General to the Assembly on the specific issue of violence against migrant women workers,[9] the subject of migration, and in particular, migration for work, has received increasing attention. The five-member intergovernmental working group on the human rights of migrants, appointed by the Commission on Human Rights at its fifty-third session, had met four times. A Technical Symposium on International Migration and Development met in the Hague, Netherlands from 29 June to 3 July 1998, and the special session of the General Assembly to review and appraise progress made in achieving the goals and objectives of the Programme of Action of the International Conference on Population and Development[10] had reviewed the issue of international migration. The report of the Secretary-General

on key actions for the further implementation of the Programme of Action of the International Conference on Population and Development,[11] submitted to the Commission on Population and Development acting as the preparatory committee for the special session had addressed the specific problems and challenges posed by international migration. The issue of migrant workers had been addressed by the ILO Committee of Experts on the Application of Conventions and Recommendations which submitted a comprehensive report on migrant workers to the International Labour Conference at its eighty-seventh session, which met in June 1999.

6. The significant increase in the number of women among migrants, and particularly among migrant workers, has also been recognized since the adoption of the resolution. The 1999 *World Survey on the Role of Women in Development*, which is before the Assembly for its consideration at its fifty-fourth session, examines women's migration, outlining typical migration flows and the sectors in which migrant women workers are most often employed.[12]

7. The vulnerability of migrant women workers, and in particular some categories of such workers, to human rights abuses, including violence, has also become increasingly recognized. "Violence against women in the world of work", a position paper prepared by the Office of the Special Adviser on Women Worker's Questions (Femmes) of the ILO as a contribution to the 1999 Global Video Conference on "A world free of violence against women", stated that some categories of women workers are doubly vulnerable to violence, with migrants and workers of certain ethnic origins experiencing a disproportionate share of violent incidents. It noted that the risk is even higher for clandestine immigrants, with abuses including confiscation of passports, enforced change of contract, withholding of wages, withholding of food and nourishment, lack of access to medical and health services, imprisonment in the home of the employer, prohibition on engaging in social contacts, the interception of letters from home, and physical and sexual violence. Recognition of the phenomenon of violence against migrant women workers has resulted in the introduction of ameliorative measures by some Member States and relevant parts of the United Nations system.

III. Measures introduced by Member States to address violence against migrant women workers

8. As at 15 August 1999, 13 Member States had responded to the Secretary-General's request for information on the issue of violence against migrant women workers, including information on the implementation of General Assembly resolution 52/97. (A number of the replies also provided information on measures to address trafficking in women and girls. That information will be reflected in the report of the Secretary-General on traffic in women and girls which will be submitted to the General Assembly in accordance with its resolution 53/116.)

9. Most replies indicated that the Government concerned was committed to the realization of respect for the human rights of all, including migrants, regardless of their status, with Mexico indicating that it had recently ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. That Convention has now been ratified or acceded to by 12 States parties.[13] It requires the ratification or accession of a further eight States parties to come into force.[14]

10. The replies of Costa Rica, Croatia and the Russian Federation provided statistics on the number of known migrant women workers employed in the particular State, with Costa Rica identifying sectors in which women migrants typically worked. Costa Rica indicated that migrants, and particularly illegal migrants, were sometimes treated less favourably than local workers, with employers paying them less than the minimum wage and failing to cover work-related benefits, including insurance. Costa Rica also noted that 36 complaints of abuse had been submitted to the Public Defender's Office by migrants, but that there was no indication of how many of them had been submitted by women. Croatia, the Russian Federation and the Syrian Arab Republic indicated that no evidence of violence against migrant women workers had come to the attention of relevant officials, while Maldives noted that although nearly one third of the migrant workforce consisted of women, there had been no reports of such violence. Singapore indicated that the incidence of violence against migrant women workers was very low, while Kuwait and the Syrian Arab Republic noted that there might be isolated — but rare — cases in which such women were mistreated, but that there were no official statistics on such cases. Belize indicated that there were no specific data on violence against migrant women workers and the lack hindered planning. The Philippines stressed the need for systematic data collection on the problem, indicating that it had formulated a project for the development of a system for gathering accurate and reliable statistics and had also introduced a case-monitoring system to provide front-line staff in governmental agencies with a tool for monitoring and documentation. Mexico drew attention to the report of a bi-national study on migration, including sex-disaggregated data, which had been completed in late 1997.

11. Costa Rica and Kuwait described legislation regulating the employment of workers, including foreigners and stateless persons, and migrant women workers. Costa Rica, Croatia, Singapore and Togo noted that the same standard with regard to remuneration, conditions of work and terms of employment applied to foreign and national workers, with women migrant workers having the same rights with regard to job security, extended vacation, night and overtime work as national women workers.[15] Costa Rica provided comprehensive information regarding migration into its territory, including penalties for illegal migration. Costa Rica, Japan and Togo described legal provisions relating to violence against women and employees, noting that they were applicable to violence against migrant women workers. Costa Rica drew attention to its Act against Sexual Harassment at Work and in Teaching, and the procedures established under that legislation. Costa Rica also described available avenues for reporting physical assault.

12. Singapore drew attention to a recent penal provision enhancing penalties for offences committed against foreign domestic workers by employers or members of the household of employers.[16] The Philippines indicated that its comprehensive legislation on migrant workers, including protective provisions for such workers and penalties for abuses, such as illegal recruitment, and providing for information dissemination and shared information systems for governmental agencies, was being accessed. The Philippines also indicated that foreign employers of its nationals are put on a "watchlist" and prohibited from participating in the overseas employment programme of the country if they defaulted on contractual obligations to workers or abused them. Mexico drew attention to its revision of the legal framework governing migration, and its National Programme for the Protection of Migrants, which, through its nine protection groups, took action to protect the human rights of migrants.[17] Mexico indicated that there had been a marked reduction in violations of migrant women's rights since those groups had been in operation.

13. The Philippines described strategies to ensure the safety of its nationals who worked abroad which included the requirement of full disclosure of the terms and conditions of the employment contract; comprehensive training and certification of certain groups of employees, such as performing artists, and special employment programmes for domestic workers. The Philippines indicated that it also provided special training for staff, such as consular and embassy officials, who might be called upon to address the needs of migrant women workers. Centres that provided services and assistance on welfare, information, human resource development, and reintegration were attached to embassies of the State in those countries where over 20,000 of its nationals were resident. Distressed migrant workers could also take advantage of an emergency repatriation fund and a "livelihood assistance package". Mexico described a protection network of volunteers, instructed and assisted by consular protection staff, who provided information to schools, trade unions, offices, churches, clubs and community centres. Mexico also indicated that there were ongoing training activities on the human rights of migrants for staff at its National Migration Unit and that over 1,000 immigration agents had received such training.

14. Several States noted efforts to increase appreciation of, and respect for, the rights of migrant women workers. They included dissemination of information encouraging employers to respect employees' rights, the development of labour contracts explicitly and unambiguously regulating the rights and duties of employers and employees in Kuwait, and the encouragement of cooperation between migrant women workers and national women's organizations in the Syrian Arab Republic. Togo indicated that an association to promote the rights of migrant women working in the informal sector had been established. Costa Rica drew attention to the activities of the Association of Women Domestic Workers, which included advocacy, legal representation, counselling and training for local and immigrant women workers and those who worked with them. Costa Rica also noted the steps non-governmental organizations had taken to publicize the migrants' amnesty programme.

15. Costa Rica noted that migrant workers, and particularly young women migrant workers, were unaware of their legal rights in the host country and that that could provide an environment for abuse, facts highlighted in an academic study on the issue.[18] Several States reported on specific educational activities to promote healthy relationships between employers and foreign workers. They included media campaigns in Costa Rica and the production and dissemination of educational materials targeted at employers and their foreign workers, which, in Singapore, included a pocket-sized employment guide distributed to all new foreign workers. Singapore reported on educational materials which informed foreign workers that they were protected under national laws to the same extent as local workers, where they could seek assistance, and that abusive employers would be punished and barred from employing foreign workers in the future. Singapore also indicated that from June 1999, an information kit had been distributed to all employers of foreign domestic workers, which, *inter alia*, warned them about the consequences of abuse. The Philippines indicated that it had launched a computerized advisory and information system to make information on migration issues available to the public.

Mexico indicated that there were plans to introduce a free telephone line for its nationals working abroad so as to expedite relief for particular groups, including pregnant women, children, the sick and those with disabilities. Belize indicated that, in conjunction with non-governmental organizations, it was expanding its outreach programmes for immigrant women in regard to literacy and skills training so as to inform them on their rights and available assistance. Belize also drew attention to its amnesty programme, entitling illegal immigrants who had resided in the country for over four years to be legalized, thereby removing one aspect of vulnerability — the fear of deportation if they complained. A similar amnesty programme was described in Costa Rica's reply, which also suggested that the amnesty would allow illegal immigrants to regularize their status and thereby remove the fear of deportation. The Philippines described its mandatory orientation module which formed a part of elementary and high school curricula which had been introduced in mid 1998, with 43,000 teachers having been trained to teach the modules. Violence against migrant women workers also formed part of the curriculum of the Philippines' non-formal education literacy classes. Pre-employment orientation and anti-illegal recruitment seminars were conducted by governmental and non-governmental agencies and organizations in the Philippines, with mandatory pre-departure seminars being offered for domestic workers.

16. The Philippines noted that it had sought to enter into bilateral and multilateral agreements, as well as dialogue and consultation, with foreign Governments, with a view to protecting migrant workers. Mexico drew attention to bilateral arrangements with a neighbouring State, including a Joint Statement on Migration and Border Cooperation entered into between both States in 1997, in which general principles and specific criteria for repatriation were addressed. Mexico also indicated that it insisted on the principle of family unification in respect of documented migrants, so that spouses and children of its nationals living abroad could be reunited in the receiving country. Mexico also drew attention to the Regional Conference on Migration, which had met four times, noting that the Conference had routinely addressed the needs of migrant women and the importance of appropriate training for staff who dealt with women and children.

IV. Actions taken by the United Nations system with regard to violence against women migrant workers

A. Twenty-first special session of the General Assembly

17. Some of the key actions for the further implementation of the Programme of Action of the International Conference on Population and Development identified by the special session targeted international migration. Governments, both of origin and destination, were urged to intensify efforts to protect the human rights and dignity of migrants, irrespective of their legal status; to provide effective protection for them; provide basic health and social services, including sexual and reproductive health and family planning services; facilitate family reunion of undocumented migrants; monitor violations of the rights of migrants and effectively enforce the laws applicable to protect their human rights. Governments were also asked to ensure the social and economic integration of documented migrants and their equal treatment before the law. Support to and effective follow-up of bilateral and multilateral initiatives, including regional and subregional consultation processes were also called for, as was the development of national policies and cooperative strategies to maximize the benefits and manage the challenges posed by international migration. Governments were also asked to conduct public information campaigns on migration in both countries of origin and destination so that racist and xenophobic attitudes are combated and potential migrants fully understand the implications of the decision to move.[19]

B. Commission on the Status of Women

18. At its forty-second session in 1998, the Commission on the Status of Women adopted agreed conclusions on violence against women, one of the critical areas of concern identified in the Beijing Platform for Action.[20] In addition to proposing actions to accelerate implementation of the Platform for Action relating to all forms of violence against women, and all contexts in which such violence may occur, the agreed conclusions outlined several specific steps to be taken to eliminate violence against migrant women workers. Thus, Governments were called on to consider, where appropriate, forming bilateral, subregional and regional agreements to promote and protect the rights of migrant workers, especially women and girls and to recognize that women migrants could be particularly affected by violence, and encourage the development of programmes for their support.[21]

19. Also at its forty-second session, the Commission on the Status of Women adopted resolution 42/3, on violence against women migrant workers. In addition to encouraging Member States to consider ratifying and complying with International Labour Organization conventions and consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Commission invited concerned Governments, particularly of sending and receiving countries, to include in their national action plans information on the problems of women migrant workers and avail themselves of the expertise of the United Nations, including the United Nations Statistics Division, to develop appropriate national data-collection methodologies that would generate comparable data on violence against migrant women workers as bases for research and analyses on the subject. Governments were requested, in cooperation with relevant United Nations bodies, other intergovernmental organizations and non-governmental organizations, to undertake further research on the causes and consequences of violence against women migrant workers, and to include in their periodic reports to relevant human rights treaty bodies, updated and comprehensive information on actions they had taken to address the issue. Member States and non-governmental organizations were invited to contribute to the proposed database of good practices and lessons learned on all forms of violence against women, information on bilateral and multilateral agreements, national experiences and lessons learned, initiatives and projects that had proved viable and effective in evolving national strategies and strengthening bilateral, regional and international cooperation for dealing with violence against women migrant workers. Concerned Governments, particularly of sending and receiving countries, were called upon to put in place penal and criminal sanctions to punish perpetrators and, to the extent possible, to provide victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures, that would allow them to be present during the judicial process, as well as to establish reintegration and rehabilitation schemes for returning women migrant workers. Governments were also requested to adopt measures to regulate the recruitment and deployment of women migrant workers and to consider adopting appropriate legal measures against intermediaries who deliberately encouraged the clandestine movement of workers and those who exploited women migrant workers.

20. The Commission also encouraged the Committee on the Elimination of Discrimination against Women to consider developing a general recommendation on the situation of women migrant workers and requested the United Nations Development Programme, the United Nations Development Fund for Women and other relevant organizations of the United Nations system, within the context of the country cooperation and development assistance framework, to support national measures, in both sending and receiving countries, designed to strengthen preventive action, in particular education and information campaigns, to increase awareness of the issue of violence against women migrant workers, and to ensure adequate briefing and training of prospective women migrant workers on the laws, culture, working and living conditions, possible problems, coping mechanisms and support services in the receiving countries.

C. Commission on Human Rights

21. At its fifty-fourth session in 1998, the Commission on Human Rights had before it the report of the Secretary-General on the implementation of its resolution 1997/13 on violence against women migrant workers.[22] The report, and its addendum, contained a summary of substantive replies received to the request of the Secretary-General for information on the implementation of General Assembly resolution 51/65 and Commission on Human Rights resolution 1997/13, relating to violence against migrant women workers, which was addressed to Governments,[23] intergovernmental[24] and non-governmental organizations[25] and United Nations bodies.[26]

22. At its fifty-fourth session, the Commission adopted resolution 1998/17 on violence against women migrant workers, in which it reiterated part of the text of resolution 42/3 of the Commission on the Status of Women. In addition, the Commission requested the working group of intergovernmental experts on the human rights of migrants, established in its resolution 1997/15, within its mandate, to consider the problem of violence against women migrant workers and to elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of women migrant workers.

23. The Commission also requested that the Secretary-General submit to it at its fifty-sixth session a comprehensive follow-up report on the issue, taking into account the views of States and the expertise of, and all available information from, authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations.

24. At its fifty-fifth session in 1999, the Commission on Human Rights adopted resolution 1999/44 on the human rights of migrants, in which it acknowledged that the principles and standards embodied in the Universal

Declaration of Human Rights and international treaties and instruments applied to everyone, including migrants. The Commission decided to appoint, for a three-year period, a Special Rapporteur on the human rights of migrants, to examine ways and means to overcome the obstacles existing to the full and effective protection of those rights. The mandate of the Special Rapporteur is to request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families; to formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur; to promote the effective application of relevant international norms and standards on the issue and to recommend actions and measures at the national, regional and international levels to eliminate violations of the human rights of migrants. The resolution requires the special rapporteur to take into account a gender perspective when requesting and analysing information and to give special attention to the occurrence of multiple discrimination and violence against migrant women. The first report of the Special Rapporteur will be submitted to the Commission at its fifty-sixth session, which will examine the issue of the human rights of migrants as a matter of priority.

1. Working group of international experts on the human rights of migrants

25. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/15, decided to establish a working group of five intergovernmental experts with a mandate to gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants; and elaborate recommendations to strengthen the promotion and protection of the human rights of migrants. The working group met twice prior to the fifty-fourth session of the Commission and twice prior to the fifty-fifth session, and submitted reports to both sessions.[27]

26. During its first session, discussions within the working group concerned the definition of "migrant", trends in migration and the vulnerability of migrants to human rights abuse. Discussions at later sessions were based on the analysis of governmental, intergovernmental and non-governmental organization responses to a questionnaire prepared by the working group, several of which raised the issue of discrimination and violence against women migrant workers,[28] and a working paper presented by one of the members of the working group, analysing those replies.[29] Attention was drawn to the fact that migrants tended to be concentrated in sectors of economic activity with no health and safety protection and little or no legal protection, where they were particularly open to human rights abuse. In particular, the working group noted that the isolation of domestic workers, most of them women who were, as a rule, excluded from national labour laws, was conducive to serious violations of human rights. In that regard, the working group stated that the "conditions of domestic workers often can be comparable to slavery: unduly long working hours, poor remuneration, no access to social security, inadequate food and isolation because they are afraid of the authorities and often do not speak the local language".[30]

27. Recommendations of the working group focused on four concerns: institutional and legal obstacles; social obstacles; economic obstacles; and the creation of an international monitoring mechanism to deal with human rights issues affecting different groups of migrants. The mandate of the working group came to an end with, pursuant to its recommendations, the creation by the Commission on Human Rights of the Special Rapporteur on migration.

2. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

28. Several of the reports of the Special Rapporteur on contemporary forms of racism, appointed by the Commission on Human Rights, have addressed, *inter alia*, the rights of migrants, including migrant workers. In November 1996, the Special Rapporteur visited Kuwait, where out of an estimated population of 2 million, there are 1,300,000 foreigners.[31] Of those, 850,000 are unskilled workers, who are employed primarily in homes as domestic workers.[32] Noting that most of those workers were women, the Special Rapporteur indicated that that group was vulnerable to ill-treatment.[33] He drew attention to protective legislation and other measures adopted by countries which supplied migrant labour to Kuwait[34] and recommended the passage and implementation, with ILO technical assistance, of a uniform labour code consistent with international conventions. He recommended the establishment of a national agency for the employment and recruitment of foreign skilled and unskilled labour which would deal directly with countries exporting migrant labour and would replace the many private agencies operating in that context. The Special Rapporteur also recommended that Kuwait cooperate with the countries that exported domestic workers by offering instruction in conversational Arabic, introducing regulations and practical measures to ensure regular payment of wages, and improving detention and expulsion conditions for illegal migrants. He suggested, further, that countries that export labour should produce and broadcast cultural radio and television programmes.[35]

29. The Special Rapporteur also drew attention to discrimination against migrant workers, including acts of violence, in his report to the Commission on Human Rights in 1998. In that report, he highlighted the vulnerabilities of women and child migrants.[36]

3. Special Rapporteur on violence against women, its causes and consequences

30. The report of the Special Rapporteur on violence against women, submitted to the Commission on Human Rights, at its fifty-fifth session,[37] focused on violence against women in the family, and included information supplied by Member States. At least one State provided information concerning violence against domestic workers and the steps taken to address such violence, including laws, agencies and bilateral agreements. The Special Rapporteur noted the lack of support services available for foreign victims of violence who, far from their own countries and often unable to communicate with their employers, were particularly vulnerable to such violence.[38]

31. The report of the Special Rapporteur on violence against women which will be submitted to the Commission on Human Rights at its fifty-sixth session concerns trafficking in women. Some aspects of violence against women migrant workers will be addressed in it.

4. Sub-Commission on the Promotion and Protection of Human Rights

32. At its fiftieth session in 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities[3] adopted resolution 1998/10 on the situation of migrant workers and members of their families, in which it noted, *inter alia*, that recent trends showed that migration was steadily becoming more feminized. It appealed to the competent authorities of receiving countries as well as to the members of civil society to pay particular attention to the protection and defence of women migrant workers, who were confronted with serious problems, both as women and as migrant workers. It also requested Governments, in particular those of receiving States, to adopt comprehensive civil anti-discrimination legislation specifically outlawing discrimination on the grounds of nationality in all aspects of the employment relationship, stringently enforced by a national agency specialized in discrimination. It appealed to Governments concerned to establish appropriate legal and other types of forums and institutions to address the problems of migrants and to provide access to them for migrant workers. It reiterated its view that it would be useful for Governments, when adopting policies aimed at protecting the rights of migrant workers, to benefit from the experience of representatives of migrant workers' organizations. The Sub-Commission decided to continue to consider the question of the situation of migrant workers and members of their families at its fifty-first session.

5. Working Group on Contemporary Forms of Slavery

33. The Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities[2] gave priority to the consideration of the situation of domestic and migrant workers at its twenty-third session in 1998, and focused, during its discussions, on the situation of children.[39]

34. In the light of information provided by non-governmental organizations, the Working Group noted that violence and sexual abuse were among the most serious and frightening hazards facing children at work, with child domestic workers being particularly at risk. It noted that domestic employment arrangements concerning children tended to be informal, with recruiters usually being relatives, fellow villages, friends or illegal recruiters. Accordingly, information relating to such employment was limited. The Working Group took note of practical measures adopted by non-governmental organizations working at the national level which had made improvements in the lives of child domestic workers, including the establishment of "drop-in centres" where children could meet and talk to others.

35. In addition to concluding that safeguarding the rights of young girl migrant workers required protecting their rights as workers and as women, the Working Group adopted two recommendations relevant to the situation of women migrant workers. Recommendation 8, on child domestic workers, urged States, while attempting ultimately to eliminate the phenomenon of child domestic labour, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour was not exploited. It also recommended that the International Labour Organization continue to focus on the issue of child domestic workers, that the subject of child domestic work be more explicitly addressed in the proposed (see para. 39) convention on intolerable forms of child labour and that the ILO establish additional country programmes within its International Programme on the Elimination of Child Labour.

36. Recommendation 9, on child labour — a gender perspective, *inter alia*, urged the ILO, when defining intolerable forms of child labour as part of the new labour standards it was preparing, to consider the situation of girls doing domestic work. It also requested States to enforce laws

and regulations that ensure that no girl of primary school age is employed as a domestic, and invited the international community to cooperate in developing viable alternatives to child labour, in particular for young girls.

37. The Working Group continued its consideration of the situation of migrant workers, in particular domestic workers, at its twenty-fourth session in 1999. During the session, its attention was drawn to the extremely difficult situation of female domestic workers, many of whom were not even classified as workers and who were subject to various forms of abuse. In addition, several organizations informed the Working Group of abuse of young women working in domestic service in embassies, who had few avenues of legal redress and whose situation was aggravated by the fact that their employers had diplomatic status and were immune from punishment.[40]

38. The Working Group adopted three recommendations relevant to the situation of women migrant workers. Recommendation 9 on migrant workers took note, *inter alia*, of the difficult situation in which migrant workers, especially women and children, were living and the need for them to be provided protection to ensure their fullest human development and participation in the life of their community, particularly urging that States take necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, particularly migrant domestic workers.

39. Recommendation 10 on child domestic workers expressed concern at the increasing information on abusive treatment of girls and women domestic workers. It regretted that ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) did not pay enough attention to the situation of child domestic workers and recommended that the ILO give more emphasis to that issue. Reiterating its earlier requests that States enforce laws and regulations that ensure that no girl of primary-school age is employed as a domestic and that the international community cooperate in developing viable alternatives to child labour, in particular for young girls, recommendation 11 welcomed ILO Convention No. 182 and the special mention of the situation of girls in that Convention.

6. Human rights treaty bodies

40. A number of the treaty bodies established under international human rights conventions addressed the issue of violence against migrant women workers during the period since the adoption of General Assembly resolution 52/97.

41. For example, in its concluding comments relating to Sri Lanka, the Committee on Economic, Social and Cultural Rights[41] noted with concern the plight of hundreds of thousands of Sri Lankan women working abroad as domestic helpers, many of them underpaid and treated as virtual slaves.[42]

42. In 1998, the Committee on the Elimination of Discrimination against Women noted information on the situation of women migrant workers which had been submitted by the Government of Indonesia as a supplement to its combined second and third periodic reports but expressed concern that the supplement did not include discussion of reports of the deaths as a result of maltreatment of Indonesian women abroad or of trafficking for the purposes of prostitution. It also expressed concern that the Government lacked the mechanisms to respond to abuses of Indonesian women abroad.[43] The Committee also expressed serious concern that the migration of women abroad from the Dominican Republic as a result of poverty could render them susceptible to sexual exploitation. It urged the Government to pursue bilateral agreements and to cooperate in multilateral efforts to protect migrant women workers, such as domestic workers, from exploitation, including sexual exploitation, recommending that such agreements should be concluded, in particular, with those countries that are a primary destination for Dominican women workers. It also suggested that public information campaigns aimed at particularly vulnerable groups of women should be conducted to alert them to potential dangers when seeking work overseas.[44]

43. In 1999, in its concluding comments on the combined second and third periodic reports of Thailand, the Committee expressed concern about the status of women migrant workers there and recommended that the Government consider the issue of migration and commercial sex work as a critical human rights issue and explore the possibility of cooperation with other countries and coordination with non-governmental organizations when introducing measures to address it.[45] In its concluding comments adopted with regard to China, relating to the Hong Kong Special Administrative Region, the Committee recommended that the Government monitor the links between the presence of migrant workers, a regulatory approach to prostitution and trafficking in women and commended efforts to develop a standard labour contract for migrant workers with provision for minimum wages. The Committee also expressed concern that migrant workers could be exposed to abuse and custodial violence and recommended that the Government monitor and take action to protect migrant workers from abuse and violence, and to prevent such violence.[46]

D. Economic Commission for Latin America and the Caribbean

44. Since the adoption of General Assembly resolution 52/97, the Latin American Demographic Center (CELADE) of ECLAC has worked with the International Organization for Migration to review census information and identify the main migration patterns of women and men in the region. Two studies[47] have been prepared on the matter, with one being presented to a regional seminar on the issue organized by the Regional Consultative Group on Migration, comprised of Central and North American Governments. Both studies indicate that women's migration has been steadily growing and outstrips that of men in certain contexts, particularly from the Andean region to the United States of America. The studies also indicate that, except in the case of the United States, women migrants are less integrated into the labour force of receiving countries than their male counterparts and work predominantly in the social, domestic and personal services sectors.

E. Food and Agriculture Organization of the United Nations

45. FAO's programmes include activities to promote rural women, particularly in the context of poverty but, as a specialized agency addressing issues of food and agriculture, except insofar as programmes aimed at the alleviation of rural women's poverty affect migrant women workers, FAO does not have direct dealings with violence against women migrant workers nor does it have specific strategies and activities relating to its prevention.

F. International Labour Organization

46. The ILO's response to the issue of migrant women workers includes a broad range of activities, including projects, inter-agency activities, standard-setting and support of mechanisms to confront violence against women migrant workers, a database on the Internet and position papers on the question.

47. In 1997, the ILO initiated a project on improving the working conditions and welfare of migrant women, focusing in particular on Filipino and Indonesian women intending to migrate for work in the domestic sector. Small-scale needs assessments were done on the impact and effectiveness of pre-employment training and information provision for emigrant women. In the case of the Philippines, in collaboration with the Philippines Overseas Employment Agency, the survey resulted in the publication of a handbook, published in English and two local languages, for Filipino workers to enable them to make better informed decisions on emigration.[48] Simplified versions of the handbook were distributed in the form of cartoons to prospective emigrants.

48. The ILO Migration Programme (MIGRANT) has launched a new mechanism to study patterns or practices of maltreatment of migrant workers, which was adopted by the ILO Governing Body at its two hundred sixty-fifth session. The object of the mechanism is to provide an alternative means of action for the Office to resolve cases of persistent and widespread abuse of migrant workers. The mechanism, which is yet to be used, is triggered when the Office is made aware of a pattern of widespread abuse of migrant workers falling outside the Convention-based procedures of the ILO.

49. MIGRANT has also initiated the creation of the International Labour Migration Database, a limited version of which will be made available on the Internet, which aims to provide quantitative and qualitative information on the living and working conditions of migrants.

50. A general survey dealing with ILO standards in the field of international labour migration (Conventions Nos. 97 and 143, and Recommendations Nos. 86 and 151) was presented by the Committee of Experts on the Applications of Conventions and Recommendations to the International Labour Conference at its eighty-seventh session in June 1999.[49] The survey stressed the particular relevance of those standards to women migrants and recommended that new measures be taken to ensure protection for that category of workers.

51. The Office of the Special Adviser on Women Workers' Questions (Femmes) of ILO has produced position papers on violence against women in the world of work and aspects of labour mobility, which, *inter alia*, address violence against women migrant workers.

G. International Research and Training Institute for the Advancement of Women

52. In 1999, INSTRAW commissioned the Marga Institute in Sri Lanka to conduct exploratory research on the issue of temporary labour migration of women. It also collaborated with IOM to commission a parallel study in Bangladesh. The results of both studies were presented at a joint INSTRAW/IOM Expert Group Meeting held from 30 to 31 August 1999 in Geneva.[50]

H. Office of the United Nations High Commissioner for Human Rights

53. The High Commissioner for Human Rights has devoted increased attention and staff resources to the issue of violence against women migrant workers within the broader context of her programme against trafficking in persons, since many migrant women workers may have been trafficked and anti-trafficking initiatives at the national and regional levels may infringe upon the rights of adult women to leave their countries in search of work or legally migrate to another country. Mindful of the fact that all women have basic human rights which must be respected, the High Commissioner is aware that migrant women working in prostitution, irrespective of whether they have been trafficked, are particularly vulnerable to human rights violations and exploitation.

54. The High Commissioner submitted her views on two draft protocols under consideration by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime.[51] The High Commissioner urged the Committee to take account of the special vulnerability of migrants, particularly irregular or illegal migrants, and the need to ensure protection of their rights, in the elaboration of the protocol on smuggling of migrants. The High Commissioner has also addressed the issue of women migrant workers within the context of the South Asian Association for Regional Cooperation's (SAARC) efforts to develop a convention on preventing and combating trafficking in women and children for prostitution.

I. United Nations Children's Fund

55. Although UNICEF is not actively involved in programmes specifically directed at violence against women migrant workers, the issue is addressed within the broad framework of human rights it has adopted in keeping with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, through which it seeks to ensure respect, promotion and the protection of the rights of girls and women in all its activities. UNICEF support for initiatives to encourage education for girls, particularly at the primary level, provide assistance for girls in need of special protection, including domestic workers and, with regard to violence against women and girls, is also relevant to the issue of violence against women migrant workers.

J. United Nations Educational, Scientific and Cultural Organization

56. UNESCO has no specific programme on violence against women migrant workers, but several of its activities relate to violence against women and girls. In particular, a number of UNESCO's programmes are directed at educating women and girls about human rights, the rights to non-discrimination on the basis of sex and to be free from violence and sexual exploitation. UNESCO also collaborates with other United Nations bodies and non-governmental organizations in efforts to eliminate trafficking in women and girls.

K. United Nations Development Fund for Women

57. The issue of violence against women migrant workers has been addressed as part of the work of UNIFEM on violence against women generally and specifically through UNIFEM's Economic Empowerment Programme and the Trust Fund in Support of Elimination of Actions to Eliminate Violence Against Women.[52] Projects supported by the Fund which are of particular relevance have focused on addressing the lack of information available to women migrant workers which exposes them to risk of violent situations. Projects include a non-governmental organization project in the Philippines which, in collaboration with Filipino women migrant workers, organizes education workshops, including the use of a participatory video. A project aimed at improving conditions faced by women who migrate to East Asia and the Middle East as domestic workers will also be supported. As well as engaging various agencies at national, regional and international levels in efforts to improve support services and provision of information, a support group for migrant women to advocate for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families will be established as part of the project.

L. United Nations Population Fund

58. UNFPA's activities with regard to violence against women migrant workers is addressed within its work on gender-based violence, with special attention being given to marginalized or vulnerable groups of women, including refugees, and internally displaced and migrant women who

are frequently unable to access services and information through regular channels and institutions.

59. UNFPA support for these groups is directed towards information, education and awareness-raising activities, the training of health providers, law enforcement personnel, social workers and other groups and types of advocacy for policy and legal reform. UNFPA also seeks to provide reproductive and sexual health care, including counselling, to victims of violence and support to the development of data information and collection which is disaggregated by sex and socio-economic status. In addition, UNFPA has been active in supporting inter-agency research efforts and the development of a coordinated policy on migration. Together with the Working Group in International Migration and others, UNFPA organized a Technical Symposium on International Migration and Development in the Hague, Netherlands from 29 June to 3 July 1998. The report of the Symposium, *inter alia*, addresses the feminization of migration and the need to protect the human rights of women migrant workers.

60. As a result of UNFPA efforts, migrant women workers have been assisted in Costa Rica, where its support to the Social Security Fund has allowed provision of reproductive health services to adolescent females from Nicaragua who work as domestics or in the informal sector. UNFPA-supported mobile reproductive health clinics in several Asian programme countries also benefit women migrant workers, particularly those in the agricultural sector, as do services provided by non-governmental organization-driven programmes at the community level which target poor women, including migrant women, in marginalized urban areas and free trade zones.

M. World Health Organization

61. Although WHO has a programme on the prevention of violence against women, the components of which include the implementation of a multicountry study on women's health and violence, the development of methodologies for measuring violence against women cross-culturally and the review of interventions for the prevention of violence against women and care for women experiencing violence, it has not yet specifically focused on violence against women migrant workers.

V. International Organization for Migration

62. Taking account of the increased numbers of women migrants and the disadvantages to which they are vulnerable owing to gender factors, the International Organization for Migration is developing programmes and activities to address their concerns. They include language training and cultural orientation services for enhancing the capacity of potential migrant women. For example, IOM has assisted in the development of English-language training for Bangladeshi women nurses and women, and men contract-workers have been receiving training on communication in an overseas working environment and on their rights and obligations in potential receiving countries. IOM has also assisted the Philippine Department of Labour and Employment Overseas Workers Administration in regard to skills-upgrading, language training and cultural orientation. It has supported the preparation of a survival guidebook for Filipino women migrant workers on their rights and the realities of migrant labour which addresses issues such as rights and job contracts, and provides advice on how and when to file complaints of abusive practices and violations of rights. IOM has also organized training courses for over 22,000 migrants who have been offered permanent residence status in Canada from Croatia, Yugoslavia, Kenya and Viet Nam.

VI. Conclusions

63. Although violence against women in general is a clear concern of Member States,[53] the few responses from Member States suggest that violence against women migrant workers is an issue yet to emerge. Although several States report on measures to address violence against women, including violence in the workplace, and on measures to assist migrants, including migrant workers, few report on specific measures to address the particular issue of violence against women migrant workers. Those States that have introduced such measures have concentrated on information dissemination and raising the consciousness of potential migrants and their employers.

64. It remains clear that, as noted in the last report of the Secretary-General on this issue,[54] more extensive information and data are required on the situation of women migrant workers so that concrete strategies can be introduced. The analysis of responses of Member States to the questionnaire on the implementation of the Beijing Platform for Action should broaden the information on which strategies can be based. The newly instituted position of the Special Rapporteur on the human rights of migrants also provides an important means by which comprehensive information on migrants, including women migrant workers, can be gathered.

It is important that the Special Rapporteur take into account a gender perspective when requesting and analysing information and give special attention to the occurrence of discrimination and violence against women migrant workers.

Notes

[1] General Assembly resolution 45/158, annex.

[2] United Nations, *Treaty Series*, vol. 212, No. 2,861.

[3] Renamed the Sub-Commission on the Promotion and Protection of Human Rights.

[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 217 A (III).

[6] Belize, Costa Rica, Croatia, Japan, Kuwait, Maldives, Mexico, Philippines, Russian Federation, Singapore, Syrian Arab Republic, Thailand and Togo.

[7] ECLAC, FAO, UNESCO, UNFPA, UNICEF, WHO.

[8] IOM responded to the Secretary-General's request for information.

[9] See A/49/354; A/50/378; A/51/325; A/52/356.

[10] *Official Records of the General Assembly, Twenty-first Special Session, Supplement No. 1* (A/S-21/2).

[11] E/CN.9/1999/PC/4.

[12] See also Lin Lean Lim, "The analysis of factors generating international migration: the processes generating the migration of women", presented to the Technical Symposium on International Migration and Development, The Hague, Netherlands, 29 June-3 July 1998. Paper No. IV/3.

[13] Azerbaijan; Bosnia and Herzegovina; Cape Verde; Colombia; Egypt; Mexico; Morocco; Philippines; Senegal; Seychelles; Sri Lanka; Uganda.

[14] Article 87 (1).

[15] Costa Rica, Constitution, article 68; Croatia, Foreign Nationals Labour Act and Labour Act.

[16] Singapore, amendment to Penal Code of 15 May 1998.

[17] See A/51/325.

[18] "Adolescent women and migration between Costa Rica and Nicaragua", a recent study by the Latin American Faculty of Social Sciences.

[19] A/S-21/5/Add.1, para. 24.

[20] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[21] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/1998/27), chap. I.

[22] (E/CN.4/1998/74 and Add.1).

[23] Replies were received from Cyprus, Finland, Haiti, Jordan, Mauritius, Mexico, Morocco, Philippines and the Russian Federation.

[24] A reply was received from the International Organization for Migration.

[25] Replies were received from Human Rights Advocates and the World Young Women's Christian Association.

[26] Replies were received from the Department of Public Information, United Nations Secretariat, United Nations Children's Fund, and the United Nations Educational, Scientific and Cultural Organization.

[27] E/CN.4/1998/76; E/CN.4/1999/80.

[28] E/CN.4/1998/76, para. 71.

[29] E/CN.4/AC.46/1998/5.

[30] E/CN.4/1999/80, para. 95.

[31] E/CN.4/1997/71/Add.2, para. 7.

[32] E/CN.4/1997/71/Add.2, paras. 17-38.

[33] Ibid., paras. 18-26.

[34] Ibid., paras. 29, 32-33, 35.

[35] Ibid., para. 69.

[36] E/CN.4/1998/79, paras. 47-48.

[37] E/CN.4/1999/68. The Special Rapporteur addressed violence against migrant women workers comprehensively in her preliminary report, submitted to the Commission on Human Rights in 1995 (E/CN.4/1995/42, paras. 77-85) and in her report submitted to the Commission in 1997 (E/CN.4/1997/13, paras. 54-58).

[38] E/CN.4/1999/68, para. 132.

[39] E/CN.4/Sub.2/1998/14, paras. 26-54.

[40] E/CN.4/Sub.2/1999/17, paras. 62-66.

[41] E/C.12/1998/26, paras. 65-94.

[42] Ibid., para. 77.

[43] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part I, para. 296.

[44] Ibid., paras. 333 and 346.

[45] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38* (A/54/38), part I, paras. 236-238.

[46] Ibid., paras. 326-328.

[47] "Migracion y desarrollo en America del Norte y Centroamerica: una vision sitetical"; "Un examen de la migracion international en la Communidad Andina usando censales" (LC/DEM/G.187).

[48] *Destination Middle East: A Handbook for Filipino Domestic Workers* (Manila, Kanlungan Center Foundation, 1997).

[49] Report 87 III (IB).

[50] A/54/341.

[51] A/AC.254/16.

[52] See General Assembly resolution 50/166.

[53] E/CN.6/1998/6, paras. 76-90 and E/CN.6/1999/2/Add.1, paras. 24-27.

[54] A/52/356, para. 49.